

**SB 100 Testimony****Fishing Outfitters Association of Montana (FOAM)**

Unlicensed outfitting is currently a misdemeanor offense with a maximum fine of \$1000 and up to 1 year in jail

SB 100 would create an additional felony-level offense for unlicensed outfitting under two specific conditions:

- receiving payment of \$1000 or more
- providing unlicensed services for any part of 3 or more days in a calendar year

FOAM supports SB 100 because:

- unlicensed practice takes income away from legitimate, licensed outfitters
- unlicensed outfitting services may not care for client safety
- unlicensed practice provides little or no liability protection for the client(s)
- unlicensed practice is an insult to our profession; licensed outfitters qualify for a license through experience, qualifications, testing, and a licensing fee. Unlicensed outfitters do none of these
- the felony-level fines, mandatory punishments, and additional optional court-imposed punishments will provide strong disincentives to unlicensed outfitting

Reasons specific to our industry:

- in the fishing industry, a day's fee typically is between \$325 and \$400 and it takes 3 days' worth of fees to equal \$1000 in compensation
- the '3 days in a calendar year' clause provides three separate opportunities for an unlicensed fishing outfitter to think about the consequences of his or her actions and consciously avoid further unlicensed practice OR 'purposely and knowingly' commit the offense of unlicensed outfitting
- the '3 days' clause creates a 'three-strikes-you're-out' condition based on three separate days and 3 separate violations of unlicensed outfitting to warrant felony-level punishment
- we think 3 separate occasions of 'purposely and knowingly' committing unlicensed outfitting, 3 separate violations, within a calendar year is easier to prosecute successfully